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The situation in the Middle East

Question of Palestine

Security Council
Sixty-second year

Letter dated 26 September 2007 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour, in my capacity as Chairman of the Coordinating Bureau of the Non-Aligned Movement, to enclose herewith the Declaration on Palestine, adopted by the Ministerial Committee of the Non-Aligned Movement on Palestine on Tuesday, 25 September 2007 (see annex).

I hereby request that the present letter and its annex be circulated as a document of the General Assembly, under agenda items 17 and 18, and of the Security Council.

(*Signed*) Rodrigo **Malmierca Díaz**
Permanent Representative of Cuba to the United Nations
Chair of the Coordinating Bureau
of the Non-Aligned Movement

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Annex to the letter dated 26 September 2007 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

DECLARATION ON PALESTINE

1. The Ministers of the Non-Aligned Movement reviewed the continuing grave situation in the Occupied Palestinian Territory, including East Jerusalem. They considered approaches and strategies to be undertaken by the Movement as a whole to continue strongly supporting the Palestinian people and their leadership and for promoting a revival of the peace process towards the achievement of a comprehensive, just and lasting peace settlement and the exercise by the Palestinian people of their inalienable right to self-determination in their independent and sovereign State of Palestine, with East Jerusalem as its capital. The Ministers recalled in particular the Declaration on Palestine adopted by the Committee on Palestine on 16 September 2006, in Havana, Cuba, during the XIV Conference of Heads of State or Government, as well as the positions concerning Palestine adopted by the Movement in Durban in August 2004 and Putrajaya in May 2006, and affirmed their continued adherence to the views and principled positions expressed therein.

2. The Ministers expressed their deep regret that for forty years the Palestinian people have suffered continuously under the brutal Israeli military occupation of their land since 1967, and that they continue to be denied their fundamental human rights, including the right to self-determination and the right of the Palestine refugees to return. The Ministers expressed their grave concern about the serious deterioration of the situation on the ground at the political, economic, social and humanitarian levels in the Occupied Palestinian Territory, including East Jerusalem, as a result of the ongoing unlawful policies and practices being carried out by Israel, the occupying Power, against the Palestinian people, including continuing grave human rights violations and reported war crimes.

3. The Ministers strongly condemned the Israeli occupation of Palestinian land and the unrelenting aggression by Israel, the occupying Power, against the Palestinian people, which has resulted, *inter alia*, in the continued killing and injury of Palestinian civilians by use of excessive and indiscriminate force and extrajudicial executions and the vast destruction of properties, infrastructure and agricultural lands. The Ministers also condemned the arbitrary detention and illegal imprisonment of thousands of Palestinians, including children and women and numerous Palestinian officials, and called for their immediate release. They also condemned Israel's continued imposition of measures of collective punishment on the Palestinian people, particularly the imposition of severe restrictions on the movement of persons and goods via closures and a vast and discriminatory network of hundreds of checkpoints, some of which have been illegally transformed into structures similar to permanent border crossings in the middle of the Occupied Palestinian Territory, away from the 1967 border (Green Line), and which are physically severing the northern, central and southern parts of the Occupied Palestinian Territory, undermining its territorial integrity and contiguity, and destroying the Palestinian economy. The Ministers demanded that Israel, the occupying Power, immediately cease all of these grave violations of international law, including international humanitarian and human rights law.

4. The Ministers stressed in particular that, in addition to such grave breaches by the occupying Power, the main and core danger to the realization of the inalienable and national rights of the Palestinian people and the achievement of the two-State solution continued to be the relentless and unlawful campaign of settler colonialism and construction of the Wall being carried out by Israel in the Occupied Palestinian Territory, including in Occupied East Jerusalem. They

reiterated their grave concern and strong condemnations regarding Israel's intensive colonization measures, including its continued vast land confiscations and the construction and expansion of settlements, and condemned Israel's illegal attempts to carry out its E-1 plan in and around East Jerusalem and to illegally annex the Jordan Valley. The Ministers reaffirmed the many relevant United Nations Security Council resolutions condemning and demanding the cessation of such illegal Israeli measures, including measures taken by the occupying Power to change the status, character and demographic composition of East Jerusalem, which are null and void, and called for the full implementation of those resolutions. In this regard, the Ministers also called for full compliance with the relevant provisions of the advisory opinion rendered by the International Court of Justice on 9 July 2004 on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory.*

5. The Ministers thus considered in depth the continuing grave developments regarding the critical issue of the unlawful construction by Israel, the occupying Power, of the Wall in the Occupied Palestinian Territory, including in and around East Jerusalem. They condemned Israel's flagrant defiance of and disrespect for the advisory opinion of the Court and its continued violation of General Assembly resolution ES-10/15 of 20 July 2004. They expressed their deep concern at the grave breaches of international law, including of the Fourth Geneva Convention, that continue to be committed by Israel in this regard, including, *inter alia*, the destruction and requisition of land and properties, the violations of the Palestinian people's freedom of movement and their right to work, to health, to education and to an adequate standard of living, and the displacement of Palestinian civilians from their homes and lands. The Ministers stressed that the Wall, which is causing extreme physical, economic and social devastation, is dissecting the Occupied Palestinian Territory into several walled and isolated cantons, destroying entire communities and severing Occupied East Jerusalem from the rest of the Territory. The Ministers stressed that such illegal and unilateral measures by Israel in the Occupied Palestinian Territory, including East Jerusalem, are gravely threatening the prospects for achieving the two-State solution on the basis of the pre-1967 borders, and expressed their complete rejection of these Israeli measures and policies, stressing that they are unlawful and unacceptable and cannot alter the terms of reference of the peace process begun in Madrid or negate the inalienable rights of the Palestinian people, as enshrined in the Charter of the United Nations, international law and relevant United Nations resolutions.

6. The Ministers reiterated their demand that Israel, the occupying Power, scrupulously respect its legal obligations as mentioned in the advisory opinion and comply fully with resolution ES-10/15, and reiterated their call upon Member States and the United Nations as well to uphold their obligations in this regard. They recalled in specific the Court's determination that Israel is under an obligation to terminate its breaches of international law, to cease the construction of the Wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle the structure therein situated, to repeal or render ineffective all legislative and regulatory acts relating thereto, and to make reparations for all damage caused by the construction of the Wall; that all States are under an obligation to recognize the illegal situation resulting from the construction of the Wall and not to render aid or assistance in maintaining the situation created by such construction and that all States parties to the Fourth Geneva Convention have an additional obligation of ensuring compliance by Israel with the Convention; and that the United Nations, especially the General Assembly and the Security Council, should consider what further action is required to bring an end to the illegal situation resulting from the construction of the Wall and the associated regime, taking due account of the advisory opinion.

7. The Ministers reiterated their firm conviction that such respect and compliance would positively influence the efforts for achieving a just, peaceful and political settlement of the Israeli-Palestinian conflict on the basis of the rules and principles of international law. However, in light of the fact that Israel, the occupying Power, is not in compliance with its legal obligations, the

Ministers reiterated their call for the following specific actions aimed at bringing an end to the violations being committed by the occupying Power in the Occupied Palestinian Territory, including East Jerusalem:

(a) At the United Nations, the Ministers called for further measures to be taken, in accordance with operative paragraph 5 of resolution ES-10/15, and also called on the Security Council to fulfill its responsibilities by adopting a clear resolution on the issue and undertaking the necessary measures in this regard. Further in this regard, the Ministers welcomed the establishment by the United Nations Secretary-General of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory, pursuant to the request made by the Assembly in the above resolution, called for the expeditious operation of the Office of the Register of Damage, and stressed the need to ensure that the positions of the Secretariat are fully consistent with the advisory opinion.

(b) With regard to Member States, the Ministers called for measures to be undertaken by them, including by means of legislation, collectively, regionally and individually, to prevent any products of the illegal Israeli settlements from entering their markets, consistent with the obligations under international treaties, to decline entry to Israeli settlers and to impose sanctions against companies and entities involved in the construction of the Wall and other illegal colonization activities in the Occupied Palestinian Territory, including East Jerusalem.

(c) With regard to the High Contracting Parties to the Fourth Geneva Convention, the Ministers called for them to adhere to article 1 common to the four Geneva Conventions and to undertake measures to ensure compliance by Israel with the Convention. They reaffirmed in this regard the obligations of the High Contracting Parties regarding penal sanctions, grave breaches and responsibilities of the High Contracting Parties. They affirmed further the importance and called for the application of legal remedies without impunity to war crimes committed in the Occupied Palestinian Territory, including East Jerusalem.

8. The Ministers expressed their alarm at the deepening economic, social and humanitarian crisis and isolation being endured by the Palestinian civilian population in the Gaza Strip. They strongly condemned Israel's continuation of its military aggression against the Palestinian civilian population in the Gaza Strip, which has caused death and injury to hundreds more civilians, including women and children, and the deliberate and wanton destruction of Palestinian property and vital infrastructure. They also condemned its continued imposition of unlawful policies and collective punishment, including via the prolonged closure of all crossings into and out of the Gaza Strip that are causing greater economic and social deprivation of the Palestinian people. They stressed that such unlawful actions by the occupying Power constitute grave breaches of international law for which the perpetrators must be held accountable and brought to justice. The Ministers called for the immediate cessation of Israel's military aggression and compliance with all of its legal obligations under international law, including under the Fourth Geneva Convention.

9. The Ministers reiterated their deep concern at the continuing hardships, including rising unemployment and poverty, being faced by the Palestinian people, particularly in the Gaza Strip, as a result of the international financial and political boycott that had been imposed on the Palestinian Authority. In this connection, they called upon Israel, the occupying Power, to release all remaining tax revenues due to the Palestinian Authority and to cease its imposition of closures on the Occupied Palestinian Territory, including East Jerusalem, which continue to cause extensive socioeconomic damage. In light of the continuing difficulties, the Ministers called upon the Non-Aligned countries to continue extending urgent assistance to the Palestinian people to ease the financial and humanitarian crisis.

10. The Ministers affirmed their support for the Palestine Liberation Organization, the sole and

legitimate representative of the Palestinian people, and the Palestinian Authority under the leadership of President Mahmoud Abbas, and emphasized the importance of maintaining and protecting the national and democratic institutions of the Palestinian Authority, as they shall constitute the vital foundation for the future independent Palestinian State. They called for urgent efforts to rehabilitate and develop Palestinian institutions. In this connection, the Ministers condemned the criminal actions that were carried out in the Gaza Strip in June 2007, and called for the restoration of the situation in the Gaza Strip to that which existed prior to the events of June 2007 to pave the way for national Palestinian dialogue to achieve national reconciliation. They stressed the necessity for the mobilization of Palestinian capabilities to preserve the territorial unity and integrity of the Palestinian Territory, including East Jerusalem, to end the occupation and to achieve the Palestinian national goal.

11. The Ministers reiterated their hope that the international community and the Quartet will exert all efforts during this critical period to revive the peace process and to salvage the Road Map and promote its implementation towards ending the occupation of the Palestinian Territory that was occupied in 1967, including East Jerusalem, and thus realizing the two-State solution to the Israeli-Palestinian conflict and the right of all states and peoples in the region to live in peace and security. They called on the Quartet specifically to remain actively engaged with the Palestinian and Israeli sides to bring about a resumption of direct and substantial negotiations between the two sides and to encourage immediate positive steps on the ground, on the basis of the Road Map, in order to promote a genuine resumption of the peace process towards the achievement of its stated aims and goals. In this regard, they welcomed the call by President Mahmoud Abbas for immediate negotiations on final status issues with Israel, the occupying Power.

12. Further in this connection, the Ministers stressed the continued relevance of the Arab Peace Initiative adopted by the Arab Summit in Beirut in March 2002, emphasizing the importance of the decision by the Arab Summit in Riyadh in March 2007 to revive and reinvigorate the Arab Peace Initiative, including through the formation of a Follow-up Arab Ministerial Committee, and expressed support for the efforts being undertaken in that direction. Moreover, they welcomed the initiative to convene a conference in the fall of 2007 aimed at ending the occupation and actualizing the two-State solution. The Ministers also supported the call by President Abbas for the transformation of such a conference into an international conference under the auspices of the United Nations to achieve a comprehensive, just and lasting solution to the Arab-Israeli conflict, including its core, the question of Palestine, based on the relevant United Nations resolutions and principles of international law.

13. The Ministers also called upon the Security Council to assume its responsibilities and to act on the basis of its own resolutions to compel Israel to respect international law and put an end to Israel's occupation and all of its illegitimate and illegal practices in the Occupied Palestinian Territory, including East Jerusalem. The Ministers reiterated their appreciation to the members of the NAM Caucus of the Security Council for their continuous efforts concerning the question of Palestine and called upon them to remain actively involved. Moreover, they urged the Quartet to engage the Security Council, considering the Council's Charter authority and responsibility for the maintenance of peace and security. In this context, they reaffirmed the permanent responsibility of the United Nations, including the General Assembly and the Security Council, towards the question of Palestine until it is resolved in all its aspects on the basis of international law, including a just resolution to the plight of the Palestine refugee in accordance with General Assembly resolution 194 of 11 December 1948.

14. The Ministers reiterated their conviction that a vital role should continue to be played by the Movement vis-à-vis the question of Palestine, and entrusted the Chair, assisted by the Committee on Palestine, to lead the efforts of the Movement with regard to the pursuit of a comprehensive, just and lasting peace in the region. They stressed the importance of ongoing

contacts and dialogue by the Movement at the ministerial level with the members of the Quartet, the members of the Security Council and other relevant parties in the peace process in order to convey the principled positions of the Movement and to advance efforts aimed at promoting the peace process on the basis of its terms of reference and at ensuring respect for international law, the keys to a peaceful settlement of the conflict.

15. The Ministers also once again underscored the importance of the work of non-governmental organizations (NGOs), civil society and peace groups in the region and encouraged them to continue their positive work, particularly on the Palestinian and Israeli sides.

16. The Ministers concluded by reaffirming their strong commitment to continue supporting the Palestinian people and their leadership to bring an end to the Israeli occupation that began in 1967, in accordance with the rules and principles of international law and relevant United Nations resolutions, and by accordingly reaffirming their commitment to a just and peaceful solution of the Israeli-Palestinian conflict and to the right of the Palestinian people to exercise self-determination and sovereignty in their independent State of Palestine, on the basis of the pre-1967 borders, with East Jerusalem as its capital.

New York, 25 September 2007